

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable James A. Parker

Title: Gallegos et al. v. City of Española

Case Number: 12-cv-224

Date: 2/17/2015

Courtroom Clerk: Walker Boyd

Court Reporter: John De La Rosa

Attorneys Present for Plaintiffs:

Nathaniel Thompkins

Kristiane Pettine (pro se)

Attorneys Present for Defendants:

Joseph L. Romero

Type of Proceeding: Hearing on Motion to Withdraw (Doc. No. 200)

Start Time: 2:05 PM

End Time: 3:21 PM

Time in Court: 1 hour, 9 minutes

Court's Rulings/Disposition: The motion will be granted.

Notes on the Proceedings:

2:05 PM: Attorneys stated their appearances.

2:07 PM: The Court noted that Kristian Pettine and Antonio Gallegos are not present.

2:08 PM: The Court discussed a letter to the Court written by Antonio Gallegos and delivered to the Court by Tino Gallegos.

2:09 PM: Mr. Thompkins explained the costs that Mr. Gallegos has had to pay so far—the fee arrangement was on a contingency; the \$40,000 mentioned in the letter (if accurate) are fees and costs.

2:17 PM: Kristian Pettine arrives. The Court warns her that any further tardy appearances will result in a fine.

2:21: Ms. Pettine is asked about her response to the Motion to Withdraw (Doc. No. 219).

2:22: Ms. Pettine states why she believes they have paid Mr. Thompkins more than the costs; it relates to a settlement with Andre Gallegos.

2:28: Mr. Thompkins responds. He says that Ms. Pettine told him she was afraid of Mr. Gallegos. Thompkins gets two different stories from his clients.

2:31: Thompkins relates how Pettine called opposing counsel. Pettine responds that she wanted to be able to tell the officers about how she felt they handled the situation as a condition of dropping her claims.

2:34: Mr. Romero says that Ms. Pettine had contacted Mr. Basham and asked to settle in exchange for an apology for the police officers. Ms. Pettine responds that Mr. Basham has been using Tino Gallegos as a proxy to make settlement offers to the Plaintiffs.

2:36: Mr. Basham has offered \$5,000 to both Plaintiffs after the Motion to Withdraw was filed. Plaintiffs have rejected both numbers.

2:45: The Court heard argument from Mr. Thompkins about the applicable rules of professional conduct and whether they require him to terminate his representation.

2:51: Ms. Pettine states that the facts have always remained the same. Only in October did facts change. The Court asked Ms. Pettine about references to obtaining legal counsel in the letter submitted by Antonio Gallegos.

2:55: Court in recess.

3:02: Court in session.

3:05: Ms. Pettine reports that she believes her lawyer is incapable of representing her further in the case.

3:10 PM: The Court will grant the motion to withdraw. The Court advised Ms. Pettine that she should obtain replacement counsel.

3:12 PM: The Court will have trial on July 20 at 9:00 AM. The trial will take place in Albuquerque at 421 Gold courthouse. Final pretrial conference on June 29 at 1:30 PM in Albuquerque.

3:16 PM: Defendants would like to raise a new motion for summary judgment based on qualified immunity, essentially on the basis that the officers acted on instructions of CYFD. Motions to be filed by March 30, 2015.

3:19 PM: The Court orders Mr. Thompkins to mail an accounting of his costs and fees to Ms. Pettine within 2 weeks.

3:21: Court in recess.